

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jackie Manginelli	Team: Squad #10	CCRB Case #: 201900398	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 12/22/2018 2:00 AM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 6/22/2020	EO SOL 2/6/2021	
Date/Time CV Reported Mon, 01/14/2019 4:18 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 01/14/2019 4:18 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT Denis Samuylin	00000	935680	120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Fadi Tawil	20917	939558	120 PCT
2. POM Vincent Reres	16994	957998	120 PCT
3. SGT Darya Keating	01190	936341	120 PCT
4. POM Chungkong Ip	24632	941044	120 PCT
5. POM Steven Westgate	19086	962871	120 PCT
6. POM Jason Li	18095	961887	120 PCT
7. POF Fiona Oneill	06106	959000	120 PCT
8. POF Elizabeth Fonti	25028	963033	120 PCT
9. POM Kenneth Richardson	23505	962728	120 PCT
10. POM James Walsh	05785	965701	120 PCT
11. POF Estefanie Vazquezcontreras	11072	962149	PBSI

Officer(s)	Allegation	Investigator Recommendation
A.LT Denis Samuylin	Abuse: Lieutenant Denis Samuylin forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

Case Summary

On January 14, 2019, § 87(2)(b) appeared at the CCRB as a walk-in complainant and filed the following complaint in person.

On December 21, 2018, at approximately 2:00 a.m., § 87(2)(b) was inside of her house at § 87(2)(b) in Staten Island. § 87(2)(b) saw bright lights outside and exited her house via the rear door and walked to the front of her house. PO Fadi Tawil, PO Vincent Reres, SGT Darya Keating, PO Chungkong Ip, PO Steven Westgate, PO Jason Li, PO Fiona O'Neill, PO Elizabeth Fonti, PO Estaphanie Vazquez-Contreras, PO Kenneth Richardson, PO James Walsh, and Lieutenant Denis Samuylin of the 120th Precinct were outside.

An ambulance arrived on scene and § 87(2)(b) spoke with EMT § 87(2)(b) and EMT § 87(2)(b). EMT § 87(2)(b) and EMT § 87(2)(b) told § 87(2)(b) and the officers that § 87(2)(b) needed to go to the hospital (**Allegation A – Abuse of Authority: Forcible Removal to Hospital:** § 87(2)(g)).

§ 87(2)(b) gathered some belongings from her home, got into the ambulance, and was transported to § 87(2)(b). § 87(2)(b) was released later that night.

Body-worn camera footage was obtained from PO Westgate (**BR 10**), PO Li (**BR 11**), PO Richardson (**BR 12**), PO Castellano (**BR 13**), and PO Reres (**BR 14**), all of the 120th Precinct. However, all the body-worn camera footage was short and did not contain information relevant to analyzing in this investigation.

Findings and Recommendations

Allegation A – Abuse of Authority: Lieutenant Denis Samuylin forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) was interviewed on January 14, 2019 (**Board Review 01**). PO Reres was interviewed on April 16, 2019 (**Board Review 02**). PO Tawil was interviewed on April 16, 2019 (**Board Review 03**). EMT § 87(2)(b) was interviewed on August 9, 2019 (**Board Review 04**). EMT § 87(2)(b) was interviewed on August 9, 2019 (**Board Review 05**).

It was undisputed that § 87(2)(b) was removed to the hospital on § 87(2)(b), at approximately 2:00 a.m.

In her sworn statement, § 87(2)(b) stated that she spoke with two officers before an ambulance arrived at her house. § 87(2)(b) could not recall whether either officer mentioned that she would be going to a hospital prior to the ambulance's arrival. § 87(2)(b) stated that when the EMTs arrived, they did not talk with her about her health or medical history. § 87(2)(b) could not recall who said that she would be going to the hospital.

EMT § 87(2)(b) was the documenter of the incident, so she was primarily responsible for patient care. EMT § 87(2)(b) was the driver of the ambulance.

In her interview, EMT § 87(2)(b) stated that she did not remember why specifically she decided to take § 87(2)(b) to the hospital, but she believed that it was due to § 87(2)(b)'s abnormal behavior. EMT § 87(2)(b) stated that § 87(2)(b) refused to allow vital signs to be taken or answer any medical questions. EMT § 87(2)(b) also stated that § 87(2)(b) refused to sign the ACR.

In her interview, EMT § 87(2)(b) stated that § 87(2)(b) would not let the EMTs touch her to take vital signs and would not discuss her medication or mental health history, and her home appeared unkempt. EMT § 87(2)(b) stated that although § 87(2)(b) did not make violent threats toward herself or others, § 87(2)(b) was aggressive and a possible danger to herself if she was not taking her medication. EMT § 87(2)(b) stated that EMT § 87(2)(b) made the final determination to take § 87(2)(b) to the hospital and that she had agreed with this decision.

In their interviews, PO Tawil and PO Reres stated that EMT § 87(2)(b) and EMT § 87(2)(b) told the officers that, based on her answers to their questions, § 87(2)(b) needed to go to the hospital.

§ 87(2)(b)'s § 87(2)(b) medical records (**Board Review 06**) contained a Behavioral Health Assessment made by Dr. § 87(2)(b). Dr. § 87(2)(b) wrote that, "As per EMS endorsement," that § 87(2)(b) was, "yelling racial slurs at her driveway, and her neighbor called 911," and, § 87(2)(b) was "hanging bags of garbage on her fence." Dr. § 87(2)(b) also wrote that as per the EMS report, § 87(2)(b) "was not threatening neighbors, and was in fair behavioral control while on her way to the hospital." Dr. § 87(2)(b) principle discharge diagnosis was chronic delusional disorder.

According to NYPD Patrol Guide Procedure 216-01, when a civilian requires medical aid for any reason, including mental illness, officers must cooperate with ambulance and hospital personnel in every reasonable manner (**Board Review 07**).

It was undisputed that EMT § 87(2)(b) and EMT § 87(2)(b) not NYPD officers, made the decision that § 87(2)(b) needed to go to the hospital. § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

[illegible]

- LT Denis Samuylin has been a member of service for fifteen years and has been a subject in five previous CCRB complaints and eleven allegations.
 - In CCRB case number 201401027, an abuse of authority (other) allegation was substantiated against Lt Denis Samuylin. Allegedly, Lt Samuylin was a Sergeant at the time of the incident, and failed to supervise an officer. The NYPD found Lt Samuylin not guilty and imposed no penalty.

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- On October 16, 2019, a request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller's Office, and the results will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 08**).

Squad No.: 10

Investigator: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Squad Leader: _____

Signature	Print Title & Name	Date
-----------	--------------------	------

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------